



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MARK C. JACOBS, ATTORNEY AT LAW  
3033 EL CAMINO AVE.  
SACRAMENTO, CA 95821

September 9, 2010

## NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 5794847

Payment Amount Received: \$ 2,120.00  
Payment Year 11.5 (e.g., 3.5, 7.5, 11.5)

PAYMENT RECEIPT DATE 08/31/2010  
(Mailroom Date Stamp)

### PAYMENT STATUS:

Payment will be refunded electronically by EFT.

### Your payment was not accepted for the following reason(s):

- 1. The maintenance fee for the above-identified patent was previously paid on \_\_\_\_\_.  
 Information regarding the previous payment is stated in item 8 below.
- 2. The patent expired on 08/18/2010. See "Patent Expiration" section below.
- 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on \_\_\_\_\_.
- 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$ \_\_\_\_\_ is/was required.
- 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- 8. Other: \_\_\_\_\_.

### Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the above-identified patent begins on \_\_\_\_\_ and ends on \_\_\_\_\_. In addition to the maintenance fee of \$ \_\_\_\_\_, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ \_\_\_\_\_. (See "Note" at the bottom of this Notice.)

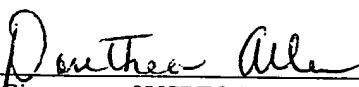
To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

### Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

 Dorethea Allen (571) 272-6317  
Printed Name of USPTO Representative

  
\_\_\_\_\_  
Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the [www.uspto.gov](http://www.uspto.gov) website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.



# UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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Alexandria, VA 22313-1450  
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P75M

MARK C JACOBS  
3033 EL CAMINO AVENUE  
SACRAMENTO CA 95821

DATE PRINTED

09/13/10

## NOTICE OF PATENT EXPIRATION

According to the records of the U.S. Patent and Trademark Office (USPTO), payment of the maintenance fee for the patent(s) listed below has not been received timely prior to the end of the six-month grace period in accordance with 37 CFR 1.362(e). THE PATENT(S) LISTED BELOW HAS THEREFORE EXPIRED AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b). Notice of the expiration will be published in the USPTO Official Gazette.

Expired patents may be reinstated in accordance with 37 CFR 1.378 if upon petition, the maintenance fee and the surcharge set forth in 37 CFR 1.20(i) are paid, AND the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable or unintentional. 35 U.S.C. 41(c)(1).

If the Director accepts payment of the maintenance fee and surcharge upon petition under 37 CFR 1.378, the patent shall be considered as not having expired but would be subject to the intervening rights and conditions set forth in 35 U.S.C. 41(c)(2).

For instructions on filing a petition under 37 CFR 1.378 to reinstate an expired patent, customers should call the Office of Petitions Help Desk at 571-272-3282 or refer to the USPTO Web site at [www.uspto.gov/web/offices/pac/dapp/petitionspractice.html](http://www.uspto.gov/web/offices/pac/dapp/petitionspractice.html). The USPTO also permits reinstatement under 37 CFR 1.378(c) by electronic petition (e-petition) using EFS-Web; e-petitions may be automatically granted if all the eligibility requirements are met. For further information on filing an e-petition, please call the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 or refer to the EBC's e-petition guide at [www.uspto.gov/ebc/portal/efs/petition\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/petition_quickstart.pdf).

U.S.					
PATENT NUMBER	APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER
5794847	08738415	08/18/98	10/25/96	08/18/10	1525A

NOTE: This notice was automatically generated based on the amount of time that elapsed since the date a patent was granted. It is possible that the patent term may have ended or been shortened due to a terminal disclaimer that was filed in the application. Also, for any patent that issued from an application filed on or after June 8, 1995 containing a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121, or 365(c), the patent term ends 20 years from the date on which the earliest such application was filed, unless the term was adjusted or extended under 35 U.S.C. 154 or 156.

1832

90-78-1211

MARK C JACOBS  
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3033 EL CAMINO AVE  
SACRAMENTO, CA 95821

Aug 26, 1980

211

\$2120.00

BANK OF THE WEST

155 2nd Street  
Sacramento, CA 95814

Mark

PATENT

Client Name & Docket No: Russell Stocker 1525A  
 Title: LISTED FAIR USE STOCKER  
 Applicant: Russell Stocker  
 Ser. # / Pat # 5,794,847  
 Filing Date: 8/18/98

Please acknowledge receipt of:

Application having \_\_\_\_\_ pages of specification and claims, and \_\_\_\_\_ sheets of drawings. FIG(S) \_\_\_\_\_  
 Declaration/Oath \_\_\_\_\_  
 Power of Attorney \_\_\_\_\_  
 Small Entity Statement \_\_\_\_\_  
 Check # \_\_\_\_\_  
 Patent Assignment Cover Sheet \_\_\_\_\_  
 Assignment \_\_\_\_\_  
 Check # \_\_\_\_\_  
 Letter \_\_\_\_\_  
 Information Disclosure Statement \_\_\_\_\_  
 Form PTO-1449 & Refer. \_\_\_\_\_  
 Certification \_\_\_\_\_  
 Petition \_\_\_\_\_  
 Check # \_\_\_\_\_  
 Mailed 8/18/98

Amendment \_\_\_\_\_  
 Request for Priority and P.R. Doc. \_\_\_\_\_  
 Reply to Office Action \_\_\_\_\_  
 Request for Ext. of Time \_\_\_\_\_  
 Check # \_\_\_\_\_  
 Amendment After Final Rejection \_\_\_\_\_  
 Request for Ext. of Time \_\_\_\_\_  
 Check # \_\_\_\_\_  
 Corrected Drawings \_\_\_\_\_  
 Issue Fee Transmittal \_\_\_\_\_  
 Check # \_\_\_\_\_  
 Other \_\_\_\_\_

Maintenance Fee Transmittal Form  
 Check # 1832  
 Cert. of Mailing \_\_\_\_\_  
 By Ma

3033 El Camino Avenue  
Sacramento, Ca 95821  
Voice (916) 485-5000  
Fax (916) 485-9901  
Email [sactopat@aol.com](mailto:sactopat@aol.com)

Law Office of

[www.gadgetlaw.com](http://www.gadgetlaw.com)

# MARK C. JACOBS

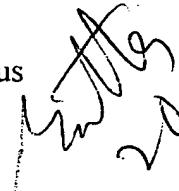
Registered Patent Attorney

Mr. Russell Stocker  
Arena Pesticide Management, Inc.  
2304 Foster Court  
Woodland, Ca 95776-5001

April 14, 2010

Dear Russell ,

RE: U.S. Patent - 12 Year Maintenance Fee  
Title: Air Assisted Insect Dispensing Apparatus  
File No: 1525 A  
Patent No. 5,794,847



According to our records, your above numbered patent, is due for the 12 year maintenance payment in order to keep the patent alive. While the deadline to submit the maintenance fee for the patent listed above without paying a surcharge is August 18, 2010, **we request your payment to be received on or before July 18, 2010 to allow adequate time for processing.** You can still pay the maintenance fee up to October 18, 2010, but you will have to pay a surcharge for being late.

We must receive your payment no later than the deadline noted above. All USPTO fees are subject to change; as a result thereof, you may see a surcharge in your billing statement. USPTO fees usually increase, effective October 1<sup>st</sup>. The current fee amount is \$2655.00. Please make your check payable to Mark Jacobs, and we will handle this matter for you.

If you are no longer interested in maintaining your patent, sign this letter below, and mail or fax it back to this office so that we can update our files and cease further activity.

A small bill will follow at the end of the month summarizing this letter.

Very truly yours,

Mark C. Jacobs, Esq.

MCJ/dm

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
5,794,847	1988-08-18			1525

**CAUTION:** Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**SMALL ENTITY**

Pattee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

**LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**

Pattee is no longer entitled to small entity status. See 37 CFR 1.27(g).

NOT Small Entity	Small Entity
<input type="radio"/> 3 1/2 year (1551) <input type="radio"/> 7 1/2 year (1552) <input type="radio"/> 11 1/2 year (1553)	<input type="radio"/> 3 1/2 year (2551) <input type="radio"/> 7 1/2 year (2552) <input checked="" type="radio"/> 11 1/2 year (2553)

**SURCHARGE**

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

**MAINTENANCE FEE (37 CFR 1.20(e)-(g))**

The appropriate maintenance fee must be submitted with this petition.

**STATEMENT**

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

**THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES**

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the pattee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- An attorney or agent registered to practice before the Patent and Trademark Office
- A sole pattee
- A joint pattee; I certify that I am authorized to sign this submission on behalf of all the other patentees.
- A joint pattee; all of whom are signing this e-petition
- The assignee of record of the entire interest

PTO/SB/66 (03-09)

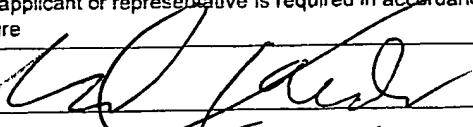
Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

## Patent Practitioner

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature

Signature		Date (YYYY-MM-DD)	2010-12-08
Name	MARK C. JACOBS	Registration Number	24043

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.

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Law Office of

# MARK C. JACOBS

Registered Patent Attorney

[www.gadgetlaw.com](http://www.gadgetlaw.com)

United States Patent and Trademark Office  
Office of Finance  
Receipts Accounting Division

ATTENTION: Dorethea Allen

Re: Unintentionally delayed payment of maintenance fees in an Expired Patent  
Russell Stocker  
Patent# 5,794,847

Dear Dorethea,

Thank you for you assistance in the above referenced matter. Please find enclosed the forms that you so kindly faxed to us completed and also the copies of all documents that were sent previous to our conversation.

Please note that the check we are submitting to the USPTO no is for the amount of \$1640.00 which is the petition fee for acceptance of the late payment of the 3<sup>rd</sup> sm all entity maintenance payment of \$2055.00, plus the \$65.00 surcharge for a total of \$2120.00, previously submitted.

If we are missing anything of the balance owing has changed, please advise us by phone or fax.

Thank you again for your help in this matter.

Cordially yours,



Mary "Dester" Martin, Assistant to Mark Jacobs

**MARK C. JACOBS  
ATTORNEY AT LAW  
(916) 485-5000  
3033 EL CAMINO AVE  
SACRAMENTO, CA 9582**

90-78-121

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